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EXAMINER	
MEINECKE DIAZ, SUSANNA M	
ART UNIT	**PAPER NUMBER**
3694	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/783,322	PETERSON ET AL.	
	Examiner	Art Unit	
	Susanna M. Diaz	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/26/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebda et al. (U.S. Patent No. 6,385,594).

Lebda discloses a method of matching a loan consumer with lenders via the Internet comprising:

[Claim 1] a) receiving application information from the loan consumer (Fig. 1; col. 3, lines 6-8);

b) storing the application information in a database (Fig. 1; col. 3, lines 10-13, 22-25);

c) applying a filter to the application information to determine if the loan consumer meets a set of loan criteria (Fig. 1; col. 3, lines 14-18);

d) submitting a subset of the application information to a credit bureau (Fig. 1; col. 3, lines 11-14; col. 4, lines 32-41);

e) receiving a credit report based on said submitting of the subset step (Fig. 1; col. 3, lines 11-14; col. 4, lines 32-41);

f) searching a lender database to match the loan customer application information and credit report to lenders in the database (Fig. 1; col. 3, lines 14-20);

g) matching the loan customer application information to one or more lenders in the database (Fig. 1; col. 3, lines 14-20);

h) transmitting a query to a lender of the one or more matched lenders (Fig. 1; col. 3, lines 14-20);

i) receiving a response from the lender based on the query (Fig. 1; col. 3, lines 19-22);

j) repeating steps h and i, after said receiving of the response, so as to query any remaining lenders matched (Figs. 1, 8; col. 3, lines 14-18; col. 5, lines 25-34 – Steps h and i are performed for each matching lender);

k) presenting to the loan customer only lenders who responded with an approval (Fig. 1; col. 3, lines 19-22 – "If the lender accepts the application then in stage 9, the borrower can reply stating whether he accepts or denies the lender's application." Communication is performed via the Internet, as seen in col. 3, line 1); and

l) storing a loan customer decision based on said presenting step (Fig. 1; col. 3, lines 22-25);

[Claim 2] wherein step (a) further comprises:

validating the application information (Fig. 1; col. 3, lines 8-10);

[Claim 9] wherein said searching step results in no matches (col. 5, lines 5-8).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lebda et al. (U.S. Patent No. 6,385,594), as applied to claims 1 and 2 above, in view of Lent (U.S. Patent No. 6,324,524), and further in view of Official Notice.

[Claim 3] Lebda discloses that step (a) further comprises detecting an error (col. 3, lines 8-10; col. 4, lines 8-19), such as errors related to an entered Social Security number, e-mail address, or address; however, Lebda does not expressly state what happens in response to detection of an error. Lebda does not expressly disclose the step of transmitting an error message to the loan consumer; however, Lent also performs a validation of similar application data for purposes of extending credit (col. 4, lines 25-35; col. 6, lines 1-10; col. 7, lines 45-50), an approval process which is similar to that of approving a loan and Lent displays to an applicant the reason for rejection of an application (col. 12, lines 62-66). Official Notice is taken that it was old and well-known in the art of loan/credit processing that the applicant be made aware of the reason for rejection of an application for credit and/or a loan so that the applicant can attempt to correct any erroneously submitted data (e.g., a mistyped social security number) or be made aware of fraud being committed in his/her name (e.g., identity theft). Therefore, the Examiner submits that it would have been obvious to one of

ordinary skill in the art at the time of Applicant's invention to modify Lebda to perform the step of transmitting an error message to the loan consumer (as taught by Lent) in order to assist a rejected applicant in correcting any erroneously submitted data (e.g., a mistyped social security number) or in becoming aware of fraud being committed in his/her name (e.g., identity theft).

6. Claims 4-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebda et al. (U.S. Patent No. 6,385,594), as applied to claims 1 and 10 above, in view of Lent (U.S. Patent No. 6,324,524).

[Claim 4] Lebda does not expressly disclose that step (b) further comprises determining that the application information has been previously received less than a predetermined number of days prior and informing the loan customer to delay a new submission of application information until after the predetermined number of days is expired; however, Lent discloses that an applicant may be limited to reapplying for credit after a specified time period has elapsed (e.g., every 60 days) and informs the applicant of this requirement if applicant attempts to reapply before the time period is up (col. 8, lines 41-55). Both Lebda and Lent are directed toward processing requests for credit and/or a loan (which is based on one's credit score); therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Lebda such that step (b) further comprises determining that the application information has been previously received less than a predetermined number of days prior and informing the loan customer to delay a new submission of

application information until after the predetermined number of days is expired (as taught by Lent) in order to prevent a credit report from being needlessly accessed multiple times (as suggested in col. 8, lines 34-38 of Lent).

[Claims 5, 6] Lebda does not expressly disclose that an active determination is made as to whether or not the application information has been previously stored (claims 5, 6) to either generate a loan consumer profile based on the application information (claim 5) or update a corresponding previously generated loan consumer profile (claim 6); however, Lent makes up for these deficiencies. Lent checks to see if entered applications are duplicate, previously interrupted, or new applications (they are presumed to be new if not a duplicate or previously interrupted) (col. 8, lines 31-61). Both Lebda and Lent are directed toward processing requests for credit and/or a loan (which is based on one's credit score); therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Lebda wherein step (b) further comprises determining that the application information has not been previously stored and generating a loan consumer profile based on the application information (claim 5) and wherein step (b) further comprises determining that the application information has been previously stored more than a predetermined number of days prior and updating a corresponding previously generated loan consumer profile (claim 6) in order to prevent a credit report from being needlessly accessed multiple times (as suggested in col. 8, lines 34-38 of Lent) or to prevent the applicant from needlessly re-entering application data from scratch when the application process was previously interrupted (as suggested in col. 8, lines 59-61 of Lent).

[Claims 7, 10] Lebda discloses the step of determining that the stored application information does not meet the set of loan criteria (col. 5, lines 5-8); however, Lebda does not expressly disclose the steps of applying a timestamp to the profile and transmitting a service denial message to the loan consumer. Lent timestamps validation statuses in order to track an application profile history and identify fraud (col. 7, lines 51-58). Lent also discloses an approval process which is similar to that of approving a loan and Lent displays to an applicant the reason for rejection of an application (col. 8, lines 52-55; col. 12, lines 62-66). Both Lebda and Lent are directed toward processing requests for credit and/or a loan (which is based on one's credit score); therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Lebda to perform the steps of applying a timestamp to the profile and transmitting a service denial message to the loan consumer (as taught by Lent) in order to assist in tracking application profile histories to identify fraud while assisting a rejected applicant in correcting any erroneously submitted data (e.g., a mistyped social security number) or in becoming aware of fraud being committed in his/her name (e.g., identity theft).

Lebda discloses:

[Claim 8] wherein step (c) further comprises:

determining that the stored application information does meet the set of loan criteria (col. 4, line 64 through col. 5, line 8); and

formatting the stored application information into a format usable by a credit bureau (col. 3, lines 11-16; col. 4, lines 33-41).

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 11/648,514. Although the conflicting claims are not identical, they are not patentably distinct from each other because the main difference between the two claim sets is the specification that the filter and loan criteria are internally specified. Claim 11 of Application No. 11/648,514 further defines the internally specified loan criteria as being determined and set by "applying one or more of publicly available

information, historical lender loan decisions, and market experience." Lebda (U.S. Patent No. 6,385,594) utilizes Fair Isaac Credit Score standards and information to help assess approval or denial of a loan application (col. 3, lines 1-25; col. 4, lines 32-41). Fair Isaac Credit Score information qualifies as "one or more of publicly available information, historical lender loan decisions, and market experience." The use of the Fair Isaac Credit Score to determine credit/loan application approval or denial has long been a well-known standard in the art of lending; therefore, the Examiner submits that the use of such a score would have been obvious at the time of Applicant's invention since it provides an accepted, standard benchmark by which various applications may be fairly assessed.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al. (U.S. Patent No. 6,622,131) – Discloses a method and system for auctioning loans.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susanna Diaz

Susanna M. Diaz
Primary Examiner
Art Unit 3694

September 29, 2007